UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,051	04/08/2004	Aldo Salvestro		7338

720 7590 07/01/2005

OYEN, WIGGS, GREEN & MUTALA LLP
480 - THE STATION
601 WEST CORDOVA STREET
VANCOUVER, BC V6B 1G1
CANADA

EXAMINER	
CULLER, JILL E	
ART UNIT	**PAPER NUMBER**
2854	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,051	SALVESTRO, ALDO	
	Examiner	Art Unit	
	Jill E. Culler	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-67* is/are pending in the application.

4a) Of the above claim(s) *35-67* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-67* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20040408*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-34, drawn to a method for making a flexographic printing sleeve, classified in class 101, subclass 463.1.

   II. Claims 35-39, drawn to a system for cutting precursor sections from a flexographic printing precursor, classified in class 83, subclass 76.1.

   III. Claims 40-61, drawn to a method of preparing and imaging a flexographic printing composite, classified in class 101, subclass 463.1.

   IV. Claims 62-67, drawn to an apparatus for imaging a flexographic printing composite, classified in class 101, subclass 463.1.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used to practice another and materially different process, such as one in which the arrangement of the precursor sections does not form a flexographic printing sleeve.

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does

not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the imaging could be carried out based on some placement other than seam location. The subcombination has separate utility such as in a method where the precursor sections were not cut using a controllable cutting device.

Inventions I and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus, such as one in which there is no edge detection system.

Inventions II and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus, such as one in which the precursor elements are cut manually.

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility

such as in preparing supports using precursor elements which have been cut manually. See MPEP § 806.05(d).

Inventions III and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, such as one in which the location of the seam is not used to locate the image.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II, III and IV restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Gavin Manning on June 16, 2005 a provisional election was made with traverse to prosecute the invention of Group 1, claims 1-34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 35-67 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7 and 9-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,823,793 to Dewitte in view of U.S. Patent No. 6,472,121 to Murphy et al.

With respect to claim 1, Dewitte teaches a method for making an imaged flexographic printing sleeve, the method comprising the steps of: a) providing seam layout information representing an arrangement of one or more precursor sections on a sleeve substrate, see column 6, line 66 – column 7, line 3; b) automatically cutting a flexographic printing precursor into the one or more precursor sections using a controllable cutting device responsive to the seam layout information, see column 7, lines 8-26; and c) creating a flexographic printing sleeve by attaching the one or more precursor sections to the sleeve substrate. See column 10, lines 1-9.

Dewitte does not teach imaging the flexographic printing sleeve created by this attachment.

Murphy et al. teaches a method for making an imaged flexographic printing sleeve by attaching printing plate elements to the sleeve and then imaging the sleeve. See column 2, lines 23-32.

It would have been obvious to one having ordinary skill in the art at the time of the invention to image the sleeve of Dewitte after attachment, as taught by Murphy, in order to reduce the potential for errors in the image caused by the attachment.

With respect to claims 2-3, 5-6, 16-18 and 21-23, Dewitte teaches defining the arrangement based on at least an image to be imaged on the flexographic printing sleeve and further displaying a preview of an image to be imaged on the flexographic printing sleeve; defining the arrangement based on the preview; determining registration information, least part of the registration information being determined from the arrangement, and deriving at least a part of the seam layout information from the arrangement. See column 6, line 66 - column 7, line 26.

With respect to claims 4, 7, 19-20, Dewitte teaches deriving at least a part of the seam layout information according to an algorithm, wherein the algorithm minimizes flexographic printing precursor wastage, and also determining at least a part of the registration information according to another algorithm. See column 6, lines 49-65.

With respect to claims 9-13, Dewitte does not teach that the step of imaging is performed digitally and by ablation, wherein the ablation comprises ablating a UV opaque mask layer on the one or more precursor sections while the one or more precursor sections are attached to the sleeve substrate, or the ablation comprises directly engraving the one or more precursor sections wherein the ablation is performed while the one or more precursor sections are attached to the sleeve substrate.

Murphy et al. teaches printing plate precursor imaging performed digitally and by ablation, wherein the ablation comprises ablating a UV opaque mask layer on the one

or more precursor sections while the one or more precursor sections are attached to the sleeve substrate, or the ablation comprises directly engraving the one or more precursor sections wherein the ablation is performed while the one or more precursor sections are attached to the sleeve substrate. See column 8, line 10-60.

It would have been obvious to one having ordinary skill in the art at the time of the invention to use the imaging techniques of Murphy et al. with the method of Dewitte in order to more precisely provide the images on the printing plate.

With respect to claims 14, and 24-28, Dewitte teaches the step of attaching the one or more precursor sections to the sleeve substrate occurs on one of: a) a mounting device and b) a digital imaging device, wherein the mounting device is responsive to registration information which comprises positioning information for the attaching of the one or more precursor sections to the sleeve substrate, wherein the positioning information comprises registration marks or indexing information. See column 7, line 32 - column 8, line 61.

With respect to claims 15 and 29, Dewitte teaches the further steps of determining registration information representing the arrangement and printing registration marks on the sleeve substrate prior to the attaching the one or more precursor sections to the sleeve substrate, the printing being done in accordance with the registration information. See column 7, line 32 - column 8, line 61.

With respect to claims 30 and 31, Dewitte teaches the further step of applying an adhesive layer to an outer surface of the sleeve substrate prior to the printing and of applying an adhesive layer to an inner surface of the one or more precursor sections

prior to the attaching the one or more precursor sections to the sleeve substrate. See column 10, line 47-65.

With respect to claims 32-34, Dewitte teaches the further step of printing on at least a part of the one or more precursor sections at least one of reference indicia and reference characters, wherein the further step of printing is done in accordance with the seam layout information and at least one of reference indicia and reference characters are printed on the at least a part of the one or more precursor sections prior to the step of automatically cutting the flexographic printing precursor. See column 7, line 32 - column 8, line 61.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dewitte in view of Murphy et al. as applied to claims 1-7 and 9-34 above, and further in view of U.S. Patent No. 4,643,094 to Holmstrom

Dewitte and Murphy et al. teach all that is claimed, as in the above rejection of claims 1-7 and 9-34, except at least a part of the arrangement of the one or more precursor sections is in the form of one of: a) lanes and b) a staircase shape.

Holmstrom teaches a printing plate with seams in a staircase shape. See column 2, lines 36-52 and Figures 1-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange the precursor sections of Dewitte and Murphy et al. to have a staircase shape, as taught by Holmstrom, in order to improve the fitting of the edges.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 2,111,914 to Kohlberger, U.S. Patent No. 3,103, 880 to Sanford et al., U.S. Patent No. 5,205,039 to Ternes, U.S. Patent No. 5,752,445 to Ruggiero et al. and U.S. Patent No. 6,161,479 to Murray each teach a method for making a printing plate having apparent similarities to the claimed subject matter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jec

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800